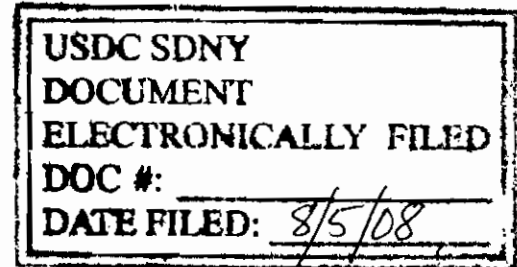


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEIL JOHNSON,
HIAWAT[H]A BURKS,
RONALD COUNTS,
JU[D]E FERNAND,
KASEY HARGE,
DEVON PANDY,
CARL STEVENS,
ROBERT TAYLOR,
KEVIN WASHINGTON and
The Sunni Muslim Community at
FCI Otisville,



Plaintiffs,

07 Civ. 6641 (LTS) (DFE)

- against -

MEMORANDUM AND ORDER

Warden J. KILLIAN,
Chaplain RABBI LASKIN,
and Case Manager D. WYNKOOP, in their
official and individual capacities,

Defendants.

-----X
DOUGLAS F. EATON, United States Magistrate Judge.

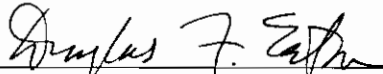
Mr. Yu's letter to Judge Swain, dated July 30, 2008, requests leave to serve a motion to sever one claim (the retaliation claim made by Mr. Johnson) from the First Amendment and Religious Freedom Restoration Act claims made by the other plaintiffs. Mr. Yu's letter also requests that the Court extend the deadline for the defendants to serve a response to the First Amended Complaint -- until after the resolution of their formal severance motion.

These requests are what the law considers to be "non-dispositive." On August 1, 2008, Judge Swain asked me to rule on them.

I grant Mr. Yu's requests. The following papers should be addressed to me (with no copies to Judge Swain). The defendants' formal severance motion papers are due on August 15, 2008; any opposition papers from any of the plaintiffs are due on September 5, 2008; and the defendants' reply papers (if any) are due on September 12, 2008. I will rule on the basis of the papers, with

no oral argument.

The defendants need not serve any answer or motion in response to the First Amended Complaint until 14 days after the date of my ruling on the defendants' formal severance motion.


DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
August 4, 2008

Copies of this Memorandum and Order are being sent to:

Neil Johnson
11679-014
Federal Correctional Institution-Elkton
P.O. Box 10
Lisbon, Ohio 44432

Kevin Washington
10886-007
Otisville Correctional Facility
P.O. Box 1000
Otisville, NY 10963
(two copies)

Kasey Harge
1445 St. Marks #5
Brooklyn, New York 11233

Li Yu, Esq.
Assistant United States Attorney
Southern District of New York
86 Chambers Street, 3rd Floor
New York, NY 10007

Pro Se Office

Hon. Laura Taylor Swain